IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE THE CHIEF JUSTICE MR. H.L.DATTU

and

THE HONOURABLE MR. JUSTICE K.T. SANKARAN

THURSDAY, THE 20TH SEPTEMBER, 2007/29TH BHADRA 1929

W.P.(C) No.10114 of 2007

PETITIONER:

One Earth One Life (Reg. No.S.246/1988), Thrissur,
represented by Mr.Tony Thomas, aged 46 years,
S/o. Thomas, Kizhakkekara House, Irumbakachola,
Kanjirapuzha P.O., Palakkad District.

By Adv. Smt. Daisy A. Philipose.

Respondents:

1. State of Kerala, represented by the Secretary to Government,
Public Works Department, Thiruvananthapuram.

2. National Highway Authority of India, represented by
Chief Engineer, National Highway,
Public Works Department, Public Office,
Museum P.O., Thiruvananthapuram.

3. Chief Conservator of Forests, Social Forestry,
Forest Headquarters, Vazhuthacaud,
Thiruvananthapuram.

R1 & R3 BY Special Government Pleader Sri.Ranjith Thampan.
R2 By Standing Counsel Sri.Thomas Antony Kallempilly.

This Writ Petition (Civil) having come up for admission on 20.9.2007 the court on the same day delivered the following:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.P.(C) No. 10114 OF 2007

.....

Dated this the 20th September, 2007

J U D G M E N T

H.L. Dattu, C.J.:

The petitioner is a voluntary organization. It is before this court, complaining violation of certain fundamental rights of the citizens.

2. In this Writ Petition, the petitioner – Organization has sought for the following reliefs:

> *"a) Issue a writ of mandamus, directing the respondents 1 to 3 to take immediate and effective steps to plant adequate number of trees, on the sides of roads, well in advance, before the bare minimum trees are cut for implementing the projects for widening the National Highways, State Highways and District Roads in the State.*
>
> *b) Issue a writ of mandamus, directing the 1st respondent to take effective steps to earmark and allot sufficient land for planting trees on the sides of roads, while implementing the projects for widening the National Highways, State Highways and District Roads in the State.*
>
> *c) Grant such other reliefs that may be deemed fit to this Honourable Court in the interest of justice. "*

3. In our view, if the reliefs sought for by the petitioner is granted, it would affect a large number of people. Keeping that in view, we had directed the petitioner to take out notice of this Writ Petition by way of paper publication, by our order dated 11.07.2007.

4. In spite of long lapse of time, the petitioner-Organization has not chosen to comply with the orders and directions issued by this court.

5. Now the matter is poster for further orders. The learned counsel for the petitioner-Organization would submit that the petitioner-Organization does not have enough financial resources to comply with the orders and directions issued by this court.

6. The experience of this court is that, after orders are passed in these type of litigations, persons who would be affected by the order, would approach this Court with an application to recall the order passed by the court or file independent petitions to set aside the action initiated by the respondent authorities pursuant to the orders passed by this Court. This would only lead to multiplicity of the litigation. In order to avoid possible inflow of several applications, petitions, etc., we had directed the petitioner Organisation to take out notice of this petition by paper publication, so that the persons interested in the lis may come before this Court either to support or resist the relief sought in the petition. This we had done keeping in view our past experience. The directions so issued by us is not complied by the petitioner organisation in spite of long lapse of time, only on the ground hat the petitioner petitioner organisation has some financial constraints. This statement is not supported by any material. In the absence of any supporting material, we cannot accept a bald plea made by the petitioner's learned counsel.

7. Since there is non-compliance of the orders and directions issued by this court, by order dated 11.07.2007, in our opinion, the reliefs sought for by the petitioner-Organization cannot be granted by this Court at this stage.

Accordingly, the Writ Petition requires to be rejected and it is rejected

8. Consequently, pending Interlocutory Applications are also dismissed.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

lk/DK.